

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA	:	
	:	CRIMINAL ACTION
v.	:	
	:	NO. 1:12-CR-323-WSD-ECS
EDWARD K. KIM,	:	

GOVERNMENT'S MOTION FOR DETENTION

Comes now the United States of America, by and through its counsel, Sally Quillian Yates, United States Attorney, and Joseph Plummer, Assistant United States Attorney for the Northern District of Georgia, and pursuant to 18 U.S.C. §§ 3142(e) and (f) moves for detention for the above-captioned defendant.

1. Eligibility of Case.

This case is eligible for a detention order because this case involves (check all that apply):

<u>XX</u>	Crime of violence (18 U.S.C. § 3156)
<u>XX</u>	Maximum sentence of life imprisonment or death
_____	10 + year drug offense
_____	Felony, with two prior convictions in the above categories
<u>XX</u>	Serious risk the defendant will flee
_____	Serious risk of obstruction of justice

2. Reason for Detention.

The Court should detain defendant because there are no conditions of release that will reasonably assure (check one or both):

XX Defendant's appearance as required

XX Safety of any other person and the community

3. Rebuttable Presumption.

The United States (will, will not) invoke the rebuttable presumption against defendant under § 3142(e). (If yes) The presumption applies because (check one or more):

_____ There is probable cause to believe defendant committed 10 + year drug offense.

XX There is probable cause to believe defendant committed an offense in which a firearm was used, carried, or possessed under § 924(c).

_____ Defendant has been charged with a federal offense that is described in § 3142(f)(1), and
(1) defendant has been convicted of a Federal offense that is described in § (f)(1) of this section, or of a State or Local offense that would be an offense described in § (f)(1) of this section if a circumstance giving rise to Federal jurisdiction had existed;

XX (2) the offense described in paragraph (1) was committed while defendant was on Federal, State or local probation or parole; and

(3) A period of not more than five years has elapsed since the date of conviction, or the release of the person from imprisonment, for the offense described in paragraph (1), whichever is later.

_____ [Circle one] This is an offense involving a minor under 18 U.S.C. § 1201, or an offense under 18 U.S.C. § 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423 or 2425.

4. Time for Detention Hearing.

The United States requests the Court conduct the detention hearing:

_____ At the initial appearance.

xx After continuance of 3 days (not more than 3) after defendant is released from state custody.

The Government requests leave of Court to file a supplemental motion with additional grounds or presumption for detention should this be necessary.

Dated: this 5th day of October, 2012.

Respectfully submitted,
SALLY QUILLIAN YATES
UNITED STATES ATTORNEY

/s/JOSEPH PLUMMER
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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system which will automatically send email notification of such filing to the following attorney(s) of record:

Matthew Dodge

This 5th day of October, 2012.

/s/JOSEPH PLUMMER
ASSISTANT UNITED STATES ATTORNEY
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